

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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DAVID A. JOFFE,	:	
	:	
Plaintiff,	:	17-CV-3392 (VEC)
-against-	:	
	:	<u>ORDER</u>
KING & SPALDING LLP,	:	
	:	
Defendant.	:	
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VALERIE CAPRONI, United States District Judge:

WHEREAS on November 3, 2021, the parties appeared for a final pretrial conference in this matter;

IT IS HEREBY ORDERED that opening statements at trial will be limited to 20 minutes for each side.

IT IS FURTHER ORDERED that Plaintiff's objections to Defense exhibits 56, 58, 71, and 73 are OVERRULED.<sup>1</sup> The Court finds that the exhibits are marginally relevant and arguments as to their weight are more appropriate for the jury. Plaintiff's objections to Defense exhibits 18 and 19 are SUSTAINED and those exhibits are EXCLUDED. Those two exhibits are from 2014, prior to Mr. Joffe's alleged reports of ethical concerns and are, accordingly, not relevant. To the extent there is any marginal relevance, they are excluded pursuant to Fed. R. Evid. 403 because the probative value of the documents is outweighed by the likelihood of confusion.

IT IS FURTHER ORDERED that Plaintiff's objection to Defense exhibit 117 is SUSTAINED and the exhibit is EXCLUDED. The Court finds that the probative value of the

<sup>1</sup> Mr. Joffe did not include an objection to Defense exhibit 73 in the updated Joint Pretrial Order. The Court presumes that the lack of an objection was an oversight.

exhibit is substantially outweighed by its prejudicial impact, and therefore the exhibit is excluded pursuant to Fed. R. Evid. 403. The Court's order that the parties propose redactions to Defense exhibit 117 is VACATED.

IT IS FURTHER ORDERED that Plaintiff exhibits 28, 49, 54, 56, and 61 may be admitted with the redactions ordered at the final pretrial conference. By no later than Friday, November 5, 2021, Defense counsel may propose additional text, if any, that King & Spalding wants to be included in the exhibits on the grounds of completeness.

IT IS FURTHER ORDERED that the parties must meet and confer on a joint stipulation listing the fact that emails with a certain subject line on a certain date and between certain parties were sent and received. Any joint stipulation must be sent to the Court by no later than Friday, November 5, 2021. If the parties cannot agree on a stipulation, the Court will rule on whether some or all of Plaintiff exhibit 125, the privilege log, is admissible.

IT IS FURTHER ORDERED that Mr. Joffe must file a proposed charge with respect to his pro se status by no later than Friday, November 5, 2021. Any objections to the proposed charge are due no later than Monday, November 8, 2021.

IT IS FURTHER ORDERED that the Court does not currently intend to provide a public dial out number for the trial. Any interested member of the public may attend the trial in person. Any objections by the parties are due no later than Friday, November 5, 2021.

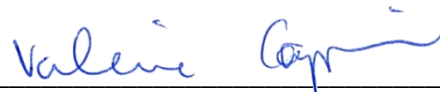
IT IS FURTHER ORDERED that the parties must send Chambers electronic copies of all exhibits by Friday, November 5, 2021. The electronic copies of the exhibits must include the redactions ordered by the Court at the final pretrial conference. The parties may send the exhibits to Chambers via email, using Dropbox or a similar program, or by sending a USB key via courier to Chambers.

IT IS FURTHER ORDERED that jury selection will begin on Tuesday, November 9, 2021 at 10:00 A.M. in the jury assembly room on the first floor of the Daniel Patrick Moynihan U.S. Courthouse at 500 Pearl Street, New York, New York 10007. The parties must appear for a pre-trial conference with Magistrate Judge Aaron on Tuesday, November 9, 2021 at 9:30 A.M. in Courtroom 11C of the Daniel Patrick Moynihan U.S. Courthouse at 500 Pearl Street, New York, New York 10007.

IT IS FURTHER ORDERED that the trial will commence on Monday, November 15, 2021 at 9:30 A.M. The Court will hold a pretrial conference with the parties each morning at 9:15 A.M. at which they are expected to preview any issues they anticipate arising during that day of trial that can be resolved prior to bringing the jury into the courtroom. The trial will be held in Courtroom 443 of the Thurgood Marshall United States Courthouse, located at 40 Foley Square, New York, New York 10007.

**SO ORDERED.**

**Date: November 3, 2021  
New York, NY**



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**VALERIE CAPRONI  
United States District Judge**